

**Request for Reconsideration:**

Applicants acknowledge with appreciation that the Examiner indicates that claims 6-9 would be allowable if rewritten in independent format, including the limitations of their base claim and any intervening claims. Applicants respectfully request that the Examiner reconsider the above-captioned patent application in view of the following remarks.

**Remarks:**

1. Rejections

The Office Action rejects claims 1, 3, 4, 10, and 11 under 35 U.S.C. § 102(b), as allegedly being anticipated by U.S. Patent No. 3,904,320 to Kishi *et al.* ("Kishi"). The Office Action also rejects claims 2 and 5 under 35 U.S.C. § 103(a), as allegedly being rendered obvious by Kishi in view of U.S. Patent No. 6,942,472 to Sieberg. Applicants respectfully disagree

2. 35 U.S.C. § 102(b)

The Office Action rejects claims 1, 3, 4, 10, and 11 as allegedly being anticipated by Kishi. "A claim is anticipated if and only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP 2131. The Office Action alleges that Kishi describes each and every element as set forth in claims 1, 3, 4, 10, and 11. Applicants respectfully disagree.

Applicants' independent claim 1 describes a compressor, comprising "a cylinder head opposite to one end of the compressor housing and defining a refrigerant suction chamber and a refrigerant discharge chamber each of which communicates with the cylinder bores, the cylinder head having a space located between the refrigerant suction chamber and the refrigerant discharge chamber." (Emphasis added.) Thus, in Applicants' claimed invention as set forth in independent claim 1, the space is (1) formed in the cylinder head, and (2) formed between the suction chamber and the discharge chamber. For example, as shown in Applicants' **Fig. 1**, a space 10c may be formed in cylinder head 10 between suction chamber 10a and discharge chamber 10b. Moreover, because space 10c is formed in cylinder head 10 between suction chamber 10a and discharge chamber 10b, no direct heat transfer occurs between suction chamber 10a and discharge chamber 10b.

In contrast, Kishi discloses a compressor comprising a cylinder head 24 that defines a suction chamber 26' and a discharge chamber 25'. The portion of cylinder head 24 that is positioned between suction chamber 26' and discharge chamber 25' is solid. (Emphasis added.) The Office Action asserts that Kishi includes a "dividing wall that spaces [discharge] chamber 25' from [suction] chamber 26'," and that this alleged dividing wall corresponds to Applicants' claimed space located between the refrigerant suction chamber and the refrigerant discharge chamber. See, e.g., Office Action, Page 2, Lines 19 and 20. Applicants are unsure as to what "dividing wall" the Office Action is referring to, however, because cylinder head 24 is solid, i.e., does not include any space or opening between suction chamber 26' and discharge chamber 25', the "dividing wall" which the Office Action refers to cannot correspond to Applicants' claimed space located between the refrigerant suction chamber and the refrigerant discharge chamber. Therefore, Applicants respectfully request that the Examiner withdraw the anticipation rejection of independent claim 1.

Claims 3, 4, 10, and 11 depend from independent claim 1. Therefore, Applicants respectfully request that the Examiner also withdraw the anticipation rejection of claims 3, 4, 10, and 11.

35 U.S.C. § 103(a)

The Office Action rejects claims 2 and 5 as allegedly being rendered obvious by Kishi in view of Sieberg. Claims 2 and 5 depend from independent claim 1. "If an independent claim is non-obvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious." MPEP 2143.03 (citations omitted). Therefore, Applicants respectfully request that the Examiner withdraw the obviousness rejection of claims 2 and 5.

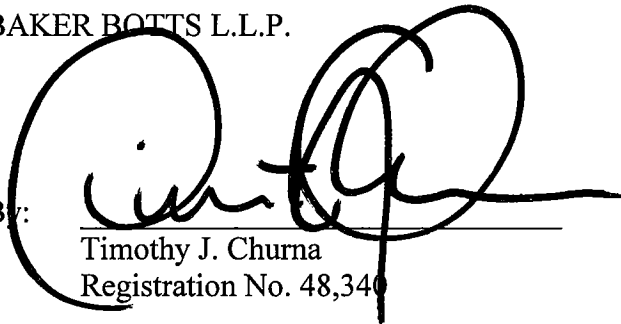
**Conclusion:**

Applicants respectfully submit that this application, as amended, is in condition for allowance, and such disposition is earnestly solicited. If the Examiner believes that an interview with Applicants' representatives, either in person or by telephone, would expedite prosecution of this application, we would welcome such an opportunity. Applicants believe that no fees are due as a result of this response. Nevertheless, in the event of any variance between the fees determined by Applicants and the fees determined by the U.S. Patent and Trademark Office, please charge or credit such variance to the undersigned's Deposit Account No. 02-0375.

Respectfully submitted,

BAKER BOTTS L.L.P.

By:



Timothy J. Churna  
Registration No. 48,340

Dated: March 21, 2006

Baker Botts L.L.P.  
The Warner, Suite 1300  
1299 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004-2400  
(202) 639-7700 (telephone)  
(202) 639-7890 (facsimile)

JBA/TJC/dw